UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.98
7 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: AUSTRIA

1. The Committee considered the initial report of Austria (CRC/C/11/Add.14) at its 507th to 509th meetings (see CRC/C/SR.507-509), held on 12 and 13 January 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party and expresses its appreciation for the clear and comprehensive nature of the report, which followed closely the Committee's guidelines. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/AUSTRIA.1) and the additional information provided to it during the course of the dialogue and immediately afterwards, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and open dialogue with the State party's delegation, which included a student.

* At the 531st meeting, held on 29 January 1999.

B. Positive aspects

3. The Committee commends the State party on its prohibition of all forms of corporal punishment through its 1989 ban on "any type of physical or psychological abuse of children as a means of education" (CRC/C/11/Add.14, para. 256). It also notes additional efforts to increase the protection of children against abuse, including the adoption of a comprehensive list of measures against violence in family and society and of an Action Plan against Child Abuse and against Child Pornography in the Internet. The Committee notes the adoption in August 1998 of a resolution of the European Union Council on Youth Participation, at the proposal of the Austrian presidency.

4. The Committee welcomes the establishment of Ombudsman systems for children and adolescents in each of the nine Länder, and at the federal level.

5. The Committee notes with satisfaction the functioning of a comprehensive pattern of student representation in the school system.

6. The Committee welcomes the adoption of legislation establishing extraterritorial jurisdiction for nationals of the State party involved in the sexual exploitation of children.

C. Principal subjects of concern and the Committee's recommendations

7. The State party maintains two reservations affecting articles 13 and 15, and article 17 of the Convention. The Committee takes note of the commitment of the State party to review its reservations, in the light of the Vienna Declaration and Programme of Action of 1993, with a view to their withdrawal.

8. The Committee is concerned that the federal system in the State party may on occasion pose difficulties for the federal authorities in their effort to implement the provisions of the Convention while ensuring the principle of non-discrimination, in accordance with the provisions of article 2 of the Convention. The Committee urges the State party to ensure that the existing mechanisms of coordination and reliance on general constitutional principles are fully utilized so as to protect children fully from any disparity with respect to areas within the "exclusive competence" of the Länder.

9. The Committee appreciates the diligent review of existing legislation to examine its conformity with the provisions of the Convention, as requested by a 1992 parliamentary resolution. It notes with satisfaction the State party's commitment to submit to a parliamentary hearing a proposal to incorporate the principles and provisions of the Convention in the Constitution, and to invite the parliaments of the Länder to consider the same possibility in the context of regional constitutional reforms. The Committee remains concerned about inconsistencies between domestic legislation and the principles and provisions of the Convention, especially with regard to the right to family reunification and some rights of immigrant, asylum-seeking and refugee children. The Committee recommends that the State party take all necessary measures to

ensure that all its domestic legislation is in full conformity with the principles and provisions of the Convention, and in particular with articles 9, 10, 20 and 22.

10. The Committee is concerned that no governmental body, at the federal or the Land level, seems to have a clear mandate to coordinate and monitor the implementation of the Convention. The Committee recommends that the State party take all appropriate measures to ensure effective coordination and monitoring of activities relating to the implementation of the Convention, at all levels of government.

11. The Committee notes that recent budgetary austerity measures have had an impact on children and may, in particular, affect the more vulnerable and disadvantaged groups. While noting the recent decision to undertake a comprehensive reform of family assistance measures, which should lead to improvements in financial help to families through increased allowances and tax deductions, the Committee remains concerned that other budgetary austerity measures introduced in recent years have not been reversed. While the welfare system can be considered generous, article 4 of the Convention still imposes an obligation to seek further improvements, particularly given the comparatively high level of available resources. The Committee recommends that the State party take all necessary measures to ensure implementation of economic, social and cultural rights to the "maximum extent of available resources".

12. The Committee notes that the State party contributes 0.33 per cent of its gross domestic product (GDP) for international development assistance and has a specific budget line for children-related projects, for example, support to the ILO International Programme for the Elimination of Child Labour. The Committee encourages the State party to consider allocating a fixed percentage of its international development cooperation funds to programmes and schemes for children. The Committee also encourages the State party to strive to achieve the United Nations target of 0.7 per cent of GDP for international development assistance.

13. Cooperation with and involvement of NGOs in the implementation of the Convention, including preparation of the reports, remain limited. The Committee encourages the State party to consider more pro-active measures to involve NGOs in the implementation of the Convention.

14. While noting initial efforts to disseminate the Convention, the Committee considers that education and training activities for professional groups need to be expanded. The Committee recommends that the State party renew its efforts to disseminate the Convention, in appropriate languages, both to children and to a broader public. It also recommends that the State party undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.

15. Austrian law and regulations do not provide a legal minimum age for medical counselling and treatment without parental consent. The Committee is

concerned that the requirement of a referral to the courts will dissuade children from seeking medical attention and be prejudicial to the best interests of the child. The Committee recommends that, in accordance with the provisions of articles 3 and 12 of the Convention, an appropriate age and structures for medical counselling and treatment without parental consent be set by law.

16. The Committee is concerned about remaining instances of gender discrimination. The Committee recommends that the State party consider undertaking an in-depth study of the ages of sexual consent and sexual relations, taking into account present legislation, its implications and its impact on children in the light of the principles and provisions of the Convention, with a view to ensuring that the legislation is as conducive to the realization of the rights of girls as boys and having due regard to the best interests of the child.

17. The Committee regrets that forced sterilization of mentally disabled children is legal with parental consent. The Committee recommends that existing legislation be reviewed so as to make sterilization of mentally disabled children require the intervention of the courts, and that care and counselling services be provided to ensure that this intervention is in accordance with the provisions of the Convention, especially article 3 on the best interests of the child and article 12.

18. While noting that studies are under way concerning possible reforms to the criminal law, the Committee is concerned that existing legislation protects children from sexual exploitation through pornography or prostitution only up to the age of 14. The Committee recommends that the State party take all appropriate measures to ensure that the age of sexual consent does not conflict with the right of all children to be fully protected from exploitation. In this regard, the Committee also encourages continued consideration of the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

19. Regarding article 11, the Committee notes with satisfaction that Austria is a party to the 1980 European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Committee encourages the State party to promote the conclusion of bilateral agreements to the same effect with States that are not parties to the two above-mentioned conventions. The Committee also recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer and non-return of children arising in such States, in the best interests of the children involved.

20. The Committee is concerned about the extended time-frame for the review of placement ordered by the courts for mentally ill children. The Committee encourages the State party, in determining the periodicity for the review of placement, to consider the principles and provisions of the Convention, in particular the best interests of the child.

21. Regional disparities, including differences between rural and urban areas, exist in the provision of rehabilitation services for abused children. The Committee recommends that the State party take all appropriate measures to implement fully the right of the child to physical and psychological recovery and social reintegration, in accordance with article 39 of the Convention.

22. The Committee takes note of the efforts of the State party to integrate children with disabilities by providing a wide range of services. The Committee encourages the State party to continue its efforts to promote the social inclusion of children with disabilities, in accordance with article 23 of the Convention.

23. The Committee is concerned that, in spite of the provision of additional financial resources, the number of places available in services such as kindergarten and pre-school facilities appears to be inadequate. In the light of article 18.3, the Committee recommends that the State party take all appropriate measures to increase the number of places in kindergarten and pre-school facilities, such as day care.

24. The Committee shares the State party's concern that "a large number of children in Austria are living on the edge of poverty" (CRC/C/11/Add.14, para. 373), and the increase in family allowances and tax deductions planned for 1999 and 2000 may not be sufficient to prevent poverty. The Committee recommends that all appropriate measures be taken to prevent poverty in the light of the principles and provisions of the Convention, especially its articles 2, 3, 6, 26 and 27.

25. Noting that in the school curriculum "civic education" incorporates, inter alia, human rights and children's rights, but does not appear to refer specifically to the Convention, the Committee encourages the State party to include specific information on the provisions of the Convention in its school curriculum.

26. The Committee notes that budgetary austerity measures have affected the working of the school system, for example by introducing some family contributions for school books and enrichment activities, or by reducing the choice of optional subjects. The Committee recommends that these measures be examined carefully with regard to their impact on the progressive implementation of the child's right to education and leisure activities, in accordance with articles 28, 29 and 31 of the Convention, and in particular so as to limit their impact on the most vulnerable and disadvantaged groups.

27. Notwithstanding the 1997 Alien's Act requirement to use "more lenient means when minors are involved", the Committee is seriously concerned about legislation which permits the detention of asylum-seeking children pending deportation. The Committee urges the State party to reconsider the practice of detaining asylum-seeking children, and that such children be treated in accordance with the best interests of the child and in the light of the provisions of articles 20 and 22 of the Convention.

28. The Committee is concerned that domestic legislation permits children from the age of 12 to be involved in light work, and recommends that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment and changing its domestic legislation accordingly.

29. With regard to juvenile justice, the Committee remains concerned about the lack of disaggregated statistics on types of offence, length of sentences, length of pre-trial detention, etc. The Committee requests that further information on the situation of children in prison be provided and urges the State party to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

30. While acknowledging the steps taken to ensure the rights of children belonging to minorities, and in particular the projects providing school assistance and linguistic and cultural support to children belonging to the Roma group, the Committee remains concerned about social and other discrimination faced by children belonging to the Roma and other minorities, and in particular by those belonging to groups that do not enjoy the constitutional status of "ethnic groups" (see CRC/C/11/Add.14, para. 517). The Committee recommends that the State party take all appropriate measures to protect and ensure the rights of Roma, Sinti and other minority children, including protection from all types of discrimination, in accordance with articles 2 and 30 of the Convention.

31. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and the concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the parliament and non-governmental organizations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

2. Concluding observations: BELIZE

1. The Committee considered the initial report of Belize (CRC/C/3/Add.46) at its 511th to 513th meetings (CRC/C/SR.511-513) on 14 and 15 January 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/BELI.1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Families and Children's Act of 1998 which aimed at reforming and consolidating the law relating to families and children and providing for the care, protection and maintenance of children. The Act also makes provisions with respect to the fostering and adoption of children.

* At the 531st meeting, held on 29 January 1999.

4. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the organization of an election for schoolchildren to choose the provisions of the Convention most significant to them, as well as the State party's use of appropriate materials and popular oral forms in disseminating the provisions and principles of the Convention. The Committee also notes the establishment of a school nutrition programme for primary schoolchildren.

5. The Committee notes with appreciation the efforts by the State party to strengthen cooperation with NGOs and welcomes the recent appointment of a focal point for NGOs within the Ministry of Human Development, Women and Youth. The Committee also notes the inclusion of NGOs in the National Committee for Families and Children, which has responsibility for promoting the implementation of the Convention; promoting improved coordination, planning and implementation of child-related programmes; and advocating for the adoption and implementation of positive policies for families and children.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

7. The Committee notes the recent efforts by the State party to introduce legislative reform. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights.

8. The Committee regrets that the State party has not acceded to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee notes that these two international human rights instruments would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. The Committee encourages the State party to consider the possibility of acceding to both instruments.

9. While noting the efforts of the National Committee for Families and Children in facilitating the coordination and monitoring of child rights issues, the Committee is concerned that involvement and coordination at the local level are still somewhat limited. The Committee is also concerned that the State party has not yet implemented its National Plan of Action for Children or its National Plan of Action for Human Development. The Committee recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of measures at the local level to promote and protect children's rights. The Committee also recommends that further steps be taken by the State party to strengthen its coordinating efforts through the National Committee for Families and Children, particularly at the local level. The Committee also encourages the State party to implement its National Plan of Action for Children and the National Plan of Action for Human Development.

10. The Committee notes the recent formation of a Social Indicators Committee responsible for monitoring quality data collection throughout the State party and ensuring its comprehensive analysis. The Committee is still concerned, however, that the current data-collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum-seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock; sexually abused children; and institutionalized children.

11. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party undertake an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

12. The Committee notes the impact of economic policies and the structural adjustment programme which have had adverse effects on social investment. The Committee remains concerned, in the light of article 4 of the Convention, that not enough attention has been paid to allocating budgetary resources in favour of children to the maximum extent of available resources. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation

of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

13. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, particularly within the primary school system, the Committee remains concerned that professional groups, children not regularly enrolled in school and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available, including through popular oral forms, in all minority and indigenous languages. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. The Committee encourages the State party also to pursue measures to raise the awareness of the media and the public at large concerning the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

14. The Committee expresses concern at the low minimum legal age for marriage. The Committee is also concerned that the law does not allow children, particularly adolescents, to seek medical or legal counselling without parental consent, even when it is in the best interests of the child. The Committee notes with concern that domestic legislation does not provide a legal minimum age for conscription into the armed forces. The Committee is concerned at the proposal of the State party to establish 16 years as the legal minimum age for conscription. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention. The Committee further encourages the State party to set a legal minimum age for conscription and to set that age at 18 years, rather than 16 years.

15. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated into all legal revisions, as well as into judicial and administrative decisions and projects, programmes and services which have an impact on children.

16. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution and in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum-seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock and institutionalized children. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

17. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, especially in schools, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family and the care and judicial systems.

18. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that this legislation is not fully consistent with the principles and provisions guaranteed under the Convention. The Committee is also concerned that many children are still not registered, particularly immigrant children and those living in remote rural communities. The lack of awareness about registration procedures is also a matter of concern for the Committee. In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake legislative reform with a view to ensuring that fathers are also made responsible for the registration of their children and that children born out of wedlock are guaranteed their right to preservation of identity, name and family relations. The Committee also recommends that all necessary measures be taken to ensure that birth registration is made accessible to all children within the State party. In this regard, the Committee suggests that the State party seek to implement, at the earliest opportunity, its proposal to introduce a mobile birth registration programme, as well as additional district facilities to reach those families in remote rural communities. The Committee also recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee encourages the State party to adopt measures to regularize the situation of immigrant children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

19. The Committee expresses grave concern that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use within schools, the family, the juvenile justice and

alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

20. The Committee notes the proposal of the State party to introduce a community and parent empowerment project aimed at assisting parents in managing their parental responsibilities and strengthening their parenting skills. The Committee remains concerned, however, at the large and increasing number of single-parent families, as well as the high number of abandoned children, especially children born out of wedlock, children of poor families, and children whose parents have left the country in search of economic opportunities. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts in providing support, including training, for parents, especially fathers, to discourage the abandonment of children. It is also recommended that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

21. While noting the legal provisions regarding domestic and intercountry adoption, the Committee remains concerned at the widespread practice of informal adoptions, especially in rural areas. In the light of article 21 of the Convention, the Committee recommends that the State party take all necessary measures, including the implementation of proper monitoring procedures, to prevent abuse of the practice of informal adoption. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

22. The Committee notes the proposals of the State party to host a consultation on domestic violence and to introduce, within the police department, a new unit to deal specifically with domestic violence. However, the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is particularly concerned that domestic legislation on sexual abuse does not include protective measures for boys. In the light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate measures and policies and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, that sanctions be applied to perpetrators and publicity given to decisions taken in such cases, with due regard for the right to privacy of the child. Measures should also be taken to ensure the physical and psychological

recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee also recommends that the State party implement its proposal to introduce legislation making the reporting of child abuse mandatory and to undertake legal reform to ensure that boys are protected. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

23. The Committee expresses its concern at the lack of policies and programmes aimed at mother and child interaction activities within the home to promote leisure and creative play for children, particularly those under the age of two years. The Committee notes that such activities have a crucial bearing on the development of the child's cognitive abilities and their social and emotional development. In light of article 31 of the Convention, the Committee recommends that the State party undertake studies on play involving mother and child interaction with a view to developing adequate programmes and policies in this regard.

24. The Committee notes with concern the health situation of children in the State party and is particularly concerned at the high child and infant mortality rates, poor breastfeeding practices, the high rate of malnutrition, the increasing incidence of stunting and limited access to safe drinking water, especially in rural communities. The Committee encourages the State party to develop comprehensive policies and programmes to reduce the incidence of child and infant mortality, to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to consider requesting technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

25. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy, HIV/AIDS and sexually transmitted diseases (STDs). The Committee recommends that the State party increase its efforts in promoting adolescent health policies and strengthening reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents.

26. The Committee notes the recent initiative by the State party to include children with disabilities in the primary school system. In this regard, the Committee further notes the recent introduction of a family/community-based approach to care programmes for children with disabilities. The Committee expresses its concern, however, at the absence of legal protection and the lack of adequate facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization

of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee also recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

27. The Committee remains concerned at the situation of education, particularly as regards overcrowding, the high drop-out rate, the lack of basic training materials, poorly maintained infrastructure and equipment, shortages of textbooks and other materials, the limited number of trained teachers and the lack of play space and recreational facilities. The Committee is also concerned that some children, particularly immigrant children and those living in poverty and among minority and indigenous communities, still do not have access to education. The Committee expresses further concern that the school curricula do not adequately address the special situation of non-English-speaking children, particularly the minority indigenous and Spanish-speaking children. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this regard, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The Committee also recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education. The Committee further recommends that the State party seek to ensure the right of the child to rest and leisure and to engage in play and recreational activities. The State party is further encouraged to review its educational policies and programmes with a view to ensuring that they adequately reflect the cultural and ethnic diversity of the population.

28. Child labour and economic exploitation are matters of concern, particularly the situation of immigrant children working in the banana industry. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. In this regard, it is further recommended that the State party undertake a study on the situation of children engaged in hazardous work, especially those employed in the banana industry. The Committee also suggests that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment.

29. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances, and to prevent the use of children in the illicit production and trafficking of such substances.

It encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the International Narcotics Control Board of the United Nations.

30. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is also concerned at the absence of specific legal provisions for children to remain in contact with their families while in the juvenile justice system. Further concern is expressed at the situation of overcrowding in detention facilities; the holding of minors in adult detention facilities; and the lack of reliable statistical data on the number of children in the juvenile justice system. The Committee also expresses grave concern at the low minimum legal age of criminal responsibility. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to protecting the rights of children deprived of their liberty and to ensuring that children remain in contact with their families while in the juvenile justice system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice. The Committee also recommends that the State party increase the legal minimum age of criminal responsibility and ensure that its legislation is in conformity with the Convention in this regard.

31. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.100
10 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations: GUINEA

1. The Committee considered the initial report of Guinea (CRC/C/3/Add.48) at its 515th to 517th meetings (see CRC/C/SR.515-517), held on 19 and 20 January 1999 and adopted* the following concluding observations.

A. Introduction

2. While the Committee welcomes the submission of the initial report of the State party, which included concrete information on the situation of children, it takes note that the report did not strictly follow the guidelines established by the Committee. The Committee also takes note of the written answers to its list of issues (CRC/C/Q/GUI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

B. Positive aspects

3. The Committee is encouraged by the fact that Guinea is a State party to the six major international instruments of the United Nations system for the protection of human rights. The Committee also welcomes the fact that Guinea

* At the 531st meeting, held on 29 January 1999.

has become a State party to the African Charter on the Rights and Welfare of the Child and to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

4. The Committee welcomes the establishment of several governmental structures, at the central level, for the protection and defence of children's rights in the State party, such as the Ministry of Social Affairs and Promotion of Women and Children's Rights (1994), the Guinean Committee for Monitoring, Protection and Defence of the Rights of Children (1995), and the Committee on Equity between Girls and Boys in Schooling (1991). The adoption of the National Programme of Action in favour of the Guinean Child is also welcome.

5. The Committee notes with appreciation the creation, in all the prefectures (at the local level), of Committees on Children (Comités pour l'enfance), which play a role of social mobilization and advocacy for the Guinean child. The establishment of a network of Mayors Defenders of Children (Maires défenseurs des enfants) at the municipal level is also welcomed.

C. Factors and difficulties impeding further progress in the implementation of the Convention

6. The Committee notes that the State party is among the least developed countries of the world. The Committee also notes that the implementation of structural adjustment programmes and the current presence within the territory of the State party of a large number of refugees from neighbouring countries affect the full implementation of the Convention.

7. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to the girl child.

D. Principal subject of concern and the Committee's recommendations

8. While the Committee notes that the State party's legislation (for example, the Code des personnes et de la famille covers several provisions of the Convention, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current legislation covering children's rights is fragmented in different laws without due regard to the integrated approach of the Convention. The Committee recommends that the State party take all necessary measures to review its legislation on children's rights with respect to its full conformity with the principles and provisions of the Convention. The Committee suggests that the State party consider enacting a comprehensive piece of legislation such as a children's code. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

9. Although the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child is in charge of coordinating and monitoring the implementation of the Convention, the Committee considers that there is still a need to strengthen the capacity of this institution, in particular with

regard to its human and financial resources. The Committee recommends that the State party take all appropriate measures to strengthen the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child to enable it to assume fully its coordinating and monitoring role. It further recommends that the Guinean Committee take into consideration the holistic approach of the Convention to guarantee the complete realization of all the rights enshrined in the Convention.

10. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most hidden, such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, including girls, children with disabilities, children living in rural areas, children living in poverty, children born out of wedlock, children victims of sale, trafficking and prostitution and refugee children. The Committee recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF is encouraged.

11. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and the right to survival and development (art. 6).

12. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children need to be strengthened. The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike.

13. Although the Committee welcomes the efforts of the State party to carry out sensitization programmes on the Convention for local authorities and religious leaders, it considers that training programmes for professional groups working with and for children need to be further developed. The Committee encourages the State party to continue with its efforts in the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers.

14. The Committee takes note of the existence of a partnership between the authorities of the State party and non-governmental organizations working for and with children, and is encouraged by the openness of the State party's authorities to involving representatives of civil society in the process of reporting to this treaty body. The Committee recommends that the State party strengthen its partnership with non-governmental organizations working in the field of children's rights.

15. The Committee is concerned about the different minimum legal ages for marriage for boys (18) and girls (16), and considers that this practice is contrary to the principles and provisions of the Convention, especially articles 2 and 3. The Committee recommends that the State party increase the minimum legal ages for marriage. It further recommends that the State party undertake awareness-raising campaigns on the negative effects of early marriage.

16. It is a matter of concern to the Committee that the State party does not yet appear to have fully taken into account the general principles contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. Further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions and are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

17. With regard to the implementation of article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized in the Convention, in particular in relation to matters of inheritance, as well as access to education and health services. The Committee is particularly concerned at the situation of vulnerable groups of children, such as girl children, children with disabilities, children living in rural areas, children living in poverty, refugee children and children born out of wedlock. The Committee recommends that a more active approach be taken to eliminate discrimination against vulnerable groups of children.

18. While recognizing the efforts of the State party for the establishment of a children's Parliament, the Committee is still concerned that the participatory rights of children, as enshrined in the Convention, are not yet taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14) and freedom of association and peaceful assembly (art. 15). The Committee recommends that the State party develop further a systematic approach to increasing, including through the media, public awareness of the participatory rights of children in order to make these rights and their implications fully understood by the population at large.

19. The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of awareness of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the

State party take all available measures to ensure the immediate registration of the birth of all children. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are made widely known and understood by the population at large.

20. Although the Committee is aware that corporal punishment is prohibited by law, it remains concerned that traditional societal attitudes still regard the use of corporal punishment by parents as an acceptable practice. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in the light of article 28 of the Convention. It also recommends that the State party ensure that alternative disciplinary measures are developed and administered within the family and schools.

21. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support to the existing ones supported by non-governmental-organizations. Concern is also expressed about the low quality of living conditions in the existing care centres for children and the lack of adequate monitoring of placement conditions. The Committee is also concerned about the conditions of children living in an informal type of placement, whose situation is not periodically reviewed in accordance with article 25 of the Convention. The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions. In the light of article 25 of the Convention, the Committee further suggests that the State party systematically review the conditions of children living in an informal type of placement.

22. While the Committee takes note that a specific legal framework for adoption procedures is being discussed by the National Assembly, it remains concerned at the insufficient protection measures regarding domestic and intercountry adoption. The Committee encourages the State party to continue strengthening its legal provisions regarding domestic and intercountry adoption and to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

23. The Committee is concerned at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment, including domestic violence and sexual abuse of children. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

24. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality rates, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services, especially in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. The Committee suggests that the State party allocate appropriate resources and, when necessary, consider seeking technical assistance to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF Integrated Management of Childhood Illness programme is recommended.

25. While the Committee acknowledges the State party's efforts to combat and prevent Sexually Transmitted Diseases (STDs) and HIV/AIDS, the Committee expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. The Committee recommends that programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS should be reinforced. International cooperation from UNICEF, WHO and UNAIDS is encouraged. The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80).

26. While welcoming the State party's innovative measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of girls, the Committee expresses its concern at the limited impact of these measures. The Committee recommends that the State party strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the girl child. It encourages the State party to continue carrying out sensitization programmes for practitioners of female genital mutilation and other harmful practices.

27. While the Committee acknowledges the State party's efforts in the area of adolescent health, it is particularly concerned at the high and increasing rate of early pregnancy, the high maternal mortality rate and the lack of access by teenagers to reproductive health education and services. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy. The Committee recommends that the State party promote adolescent health policies and programmes by, inter alia, strengthening reproductive health education and counselling services. The Committee encourages the State party to consider seeking international assistance from, inter alia, UNICEF and WHO.

28. In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative

measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination, establish special education programmes and centres and encourage the inclusion of disabled children in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

29 While the Committee welcomes the State party's efforts to provide access to pre-school education to all children, it remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates, as well as the low enrolment rate and limited access to education in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. The Committee recommends that the State party undertake all appropriate measures, inter alia to improve access to education, especially for the most vulnerable groups of children and to reinforce training programmes for teaching personnel. Furthermore, the Committee suggests that the State party give attention to incorporating the Convention and the teaching of human rights in the school curricula, especially within the framework of the United Nations Decade for Human Rights Education. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNESCO and UNICEF.

30. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. The absence of a legal and administrative framework to protect their rights; the fact that most refugee births are not registered; the lack of alternative care measures for unaccompanied refugee children; and the arbitrary detention of refugee children are matters of concern. The Committee recommends that the State party develop a legislative framework for the protection of refugee children and unaccompanied children; establish alternative care for unaccompanied refugee children; ensure that all refugee births are registered; and ensure that refugee children are not subject to arbitrary detention. The Committee encourages the State party to continue working in close cooperation with international agencies active in the field of refugee protection, such as UNHCR and UNICEF.

31. The Committee is concerned about the growing number of children who, owing inter alia to rural exodus, poverty, and violence and abuse within the family, have to live and/or work on the streets and therefore are deprived of their fundamental rights and exposed to various forms of exploitation. The Committee recommends that the State party undertake research on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

32. The Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to

address this situation. The Committee recommends that the State party undertake a study on the scope of child labour with a view to using it as a framework for the development of strategies and programmes in this area. It suggests that the State party review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. Furthermore, it is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. International cooperation from ILO can be sought to this effect.

33. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from being used in the illicit production and trafficking of such substances. It also encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.

34. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. The Committee also recommends that the State party use a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

35. The Committee is concerned at the increasing phenomenon of trafficking and sale of children into neighbouring countries for work or prostitution. The insufficient measures to prevent and combat this phenomenon are also a matter of concern. In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and reinforce law enforcement, and strengthen its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.

36. While welcoming the cooperation of the State party with non-governmental organizations and UNICEF in its efforts to monitor the situation of children deprived of liberty and to establish a juvenile justice system, the Committee expresses its concern at the insufficient number of facilities for the detention of juveniles and at the fact that juveniles are detained with adults. The Committee is also concerned at the insufficiency of facilities

and programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee is further concerned that the deprivation of liberty of a child is not being used as a measure of last resort, as established by the Convention. The Committee recommends that the State party take all measures to integrate fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, policies and programmes. Furthermore, the Committee recommends that the State party consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

37. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.101
10 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: SWEDEN

1. The Committee considered the second periodic report of Sweden (CRC/C/65/Add.3) at its 521st to 522nd meetings (see CRC/C/SR.521-522), held on 22 January 1999 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the second periodic report and commends the State party for the submission to the Committee of additional information during the intervening period on its own initiative. The Committee expresses its appreciation of the comprehensive nature of the report, while regretting that it did not entirely follow the Committee's guidelines, in particular by repeating information that had already been included in the initial report and making very limited reference to the concluding observations issued by the Committee upon its examination of that report and to their implementation. The report focuses too heavily on the description of legislative measures, while containing limited statistical and other information on the actual status of children. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/SWE/2) and the additional information provided to it during the course of the dialogue, which enabled it to assess progress in the implementation of the rights of the child in Sweden. The Committee welcomes the constructive dialogue with the State party's delegation.

* At the 531st meeting, held on 29 January 1999.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee appreciates the setting up of a parliamentary committee to review existing legislation to ensure its conformity with the principles and provisions of the Convention.

4. The Committee appreciates the efforts of the State party to implement the recommendations of the Committee (see CRC/C/15/Add.2, para. 12) and welcomes progress achieved in reviewing legislation and taking appropriate measures to improve the compatibility of the juvenile justice system with the Convention, especially articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

5. The Committee commends the support of the State party to international efforts to combat commercial sexual exploitation of children, and welcomes the adoption in 1997 of the National Plan of Action against the Commercial Sexual Exploitation of Children.

6. The Committee commends the State party for its continued commitment to the rights of the child in its development cooperation programmes, and notes with satisfaction that the State party is one of the few to meet, and exceed, the United Nations target of 0.7 per cent of GDP for development assistance. The Committee welcomes the efforts of the State party to provide training on human rights and the rights of the child to officials working for the Ministry of Foreign Affairs and the Swedish International Development Agency.

C. Principal subjects of concern and the Committee's recommendations

7. While noting the positive aspects of decentralization in the provision of services by the municipalities, the Committee is concerned that it has caused inconsistencies in policies and disparities in the provision or accessibility of services to children and their families. In line with its earlier recommendation (see CRC/C/15/Add.2, para. 10), the Committee recommends that the State party increase its efforts to ensure that municipalities respect the framework of government policies designed to protect children fully from any discrimination in the implementation of the Convention.

8. While the Committee welcomes the establishment in 1993 of an Ombudsman for children, in accordance with the Committee's recommendation (see CRC/C/15/Add.2, para. 10), it is concerned about a number of issues raised during the dialogue with the State party concerning the role, autonomy and structural position of the Ombudsman for children. The Committee welcomes the launching of an inquiry into the effectiveness of the Ombudsman, carried out by a one-man committee, and encourages the State party to examine carefully its results and consider reviewing the role and autonomy of the Ombudsman for children.

9. The Committee notes that the impact of the 1991-1993 recession experienced by the State party led to budgetary austerity measures which have had an impact on children and cause concern regarding the achievement of progress in the implementation of the Convention. While welcoming the decision of the State party to give priority in the use of additional resources to children with special support needs, the Committee remains concerned about the introduction of charges and cutbacks in educational and social services provided by some municipalities as a result of budgetary austerity measures. The Committee recommends that the State party review the impact of the budgetary cuts so as to renew efforts to implement the Convention to the maximum extent of available resources, in accordance with article 4.

10. The Committee welcomes the decision of the State party to review the legislation setting a lower age for marriage for children resident in or nationals of other States. The Committee encourages the State party to consider changes in the legislation with a view to increasing protection against the harmful effects of early marriage and to eliminating discrimination among children within its jurisdiction.

11. With regard to article 2 of the Convention and to the Committee's earlier recommendation (see CRC/C/15/Add.2, paras. 7 and 13), the Committee notes with concern that the principle of non-discrimination is not fully implemented for the children of illegal immigrants, the so-called "children in hiding". The Committee recommends to the State party that it review its policies, with a view to expanding the services available to illegal-immigrant children beyond the provision of emergency health services.

12. The Committee expresses its concern about the reported increase in racism and xenophobia, and shares the concerns of the State party about the effectiveness of the existing legislation on "unlawful discrimination" and "agitation against an ethnic group". The Committee encourages the State party to act upon its stated commitment to review the legislation and urges it to take all appropriate measures to ensure that the child is protected against all forms of discrimination, as provided for in article 2.2 of the Convention.

13. Regarding the right to acquire a nationality, the Committee is concerned about the existing legislation concerning stateless children. The Committee encourages the State party to complete its revision of the Citizenship Act and urges that resulting amendments fully take into account article 7 of the Convention.

14. While noting that measures are being taken and discussed, the Committee remains concerned about the protection of children from access to pornographic materials. The Committee encourages the State party to continue taking all appropriate measures, bearing in mind the provisions of articles 13, 17 and 18 of the Convention.

15. In relation to article 11 of the Convention, the Committee notes with satisfaction that Sweden is a party to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the Hague Convention on the Civil Aspects of International Child Abduction. The Committee encourages the State party to

continue its efforts to conclude bilateral agreements to the same effect with States that are not parties to the two above-mentioned conventions, to review existing legislation on the recognition of foreign decisions on custody and to consider ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children of 1996.

16. While noting that some municipalities offer family counselling services free of charge, and that the fee being charged in other municipalities may not seem too high, the Committee is concerned that a significant number of families find such fees a disincentive to seeking needed help and assistance. The Committee recommends that the State party review its policies in this regard so as to facilitate access to family counselling services, in particular for the more vulnerable groups.

17. With regard to the Committee's recommendation (see CRC/C/15/Add.2, paras. 9 and 11), and while appreciating the efforts being undertaken in providing increased training to professionals in this regard, the Committee is concerned that the system of compulsory reporting of incidents of child abuse is not working satisfactorily. The Committee recommends that the State party continue its efforts and undertake further measures to improve the protection of children from all sorts of abuse, in accordance with article 19 of the Convention.

18. Although the State party has one of the widest public support systems, disparities between municipalities and social strata seem to be widening, resulting in social exclusion and tension and poor services being delivered to the economically disadvantaged groups. The Committee recommends that all appropriate measures be taken, in accordance with articles 2, 26, 27 and 30 of the Convention, to ensure universal access to social benefits, in particular for the poorer families, and that the public be better informed of their rights in this regard.

19. While welcoming the State party's plans to dedicate the 1999 annual inspection of schools to the issue of bullying, the Committee encourages the State party to continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to set up specific structures to enable children to participate in adequately addressing and resolving this problem.

20. The Committee remains concerned about the impact of budgetary cuts on the child's right to education. The Committee encourages the State party in its decision to restore higher levels of funding for remedial education and to extend coverage to children in need of special assistance. It also recommends that the State party review its policy on access to day-care services for children of unemployed parents, taking into consideration the child's right to education and leisure activities, in accordance with articles 2, 3, 28 and 31 of the Convention, particularly in relation to current efforts to increase the educational role of pre-school and day-care centres.

21. With regard to its earlier recommendation (see CRC/C/15/Add.2, para. 13), the Committee is concerned about the rising incidence of substance abuse among adolescents. The Committee recommends that the State party undertake systematic efforts to collect data on and monitor substance abuse, and in particular on its impact on the more vulnerable groups.

22. While appreciating the review of legislation and other measures undertaken by the State party to improve protection of children from sexual exploitation, in line with the recommendation of the Committee (see CRC/C/15/Add.2, paras. 8 and 11), including current efforts to review domestic legislation so as to eliminate the "dual criminality" requirement for extraterritorial legislation, the Committee remains concerned about the need to increase protection from sexual exploitation, particularly for children aged between 15 and 18 years. The Committee encourages the State party to continue and to increase its efforts to ensure better protection for children up to the age of 18.

23. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.102
10 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: YEMEN

1. The Committee considered the second periodic report of Yemen (CRC/C/70/Add.1) at its 523rd to 524th meetings (see CRC/C/SR.523-524), held on 25 January 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report as well as the additional information requested by the Committee (see CRC/C/15/Add.47, para. 22), which reflect the commitment of the State party to promote and protect children's rights. Nevertheless, the Committee regrets that the report has not followed the guidelines for periodic reports and has not included information on follow-up measures to the Committee's recommendations on the initial report. The failure to submit written responses to the list of issues (CRC/C/Q/YEM/2) is also regretted. The Committee is encouraged by the dialogue with the State party's delegation. The Committee also acknowledges that the presence of a delegation directly involved in the implementation of the Convention enabled it better to assess the situation of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee expresses its appreciation of the adoption of several initiatives such as the National Population Strategy (1990-2000), the Social Security Network and the Social Welfare Fund (1996), which aim at combating

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* At the 531st meeting, held on 29 January 1999.

poverty and strengthening social programmes to counter the negative impact of economic reforms in the State party. This initiative reflects the Committee's recommendation (see CRC/C/15/Add.47, para. 20).

4. The Committee welcomes the State party's initiative to eliminate school fees for girls, as a measure to reduce traditional gender disparities in the educational system.

5. The Committee notes with appreciation the participation of non-governmental organizations in the elaboration of the State party's second periodic report and within the Higher Council for Mothers and Children, in line with a recommendation of the Committee (see CRC/C/15/Add.47, para. 18).

6. The Committee welcomes the fact that Yemen has become a State party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

C. Factors and difficulties impeding further progress in the implementation of the Convention

7. The Committee notes that the State party is still facing serious political, economic and social challenges, such as its transition from a feudal to a modern society and the effects of its recent process of reunification, which affect the situation of children. It is also noted that the current presence within the territory of the State party of a large number of refugees from the Horn of Africa may still be negatively affecting the full implementation of the Convention in the State party.

8. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, continue to hamper further progress in the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern and the Committee's recommendations

9. In accordance with its previous recommendation (see CRC/C/15/Add.47, para. 22), the Committee reiterates its concern at the fact that the State party's second periodic report (CRC/C/70/Add.1) has not been prepared according to the Committee's guidelines for periodic reports. The Committee recommends that the next periodic report of the State party be prepared in accordance with the Committee's guidelines as set out in document CRC/C/58. In this connection, the Committee suggests that the State party consider seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights or UNICEF.

10. While the Committee takes note of the steps taken by the State party to review its legislation on children's rights, it reiterates its concern at the fact that the State party has not complied with the Committee's recommendations (see CRC/C/15/Add.47, para. 14) to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention. The Committee recommends that the State party take all necessary measures in order to ensure that its legislation is in full conformity with

the principles and provisions of the Convention. The Committee also suggests that the State party consider the enactment of comprehensive legislation such as a children's rights code.

11. With reference to the Committee's recommendation (see CRC/C/15/Add.47, para. 18), the Committee takes note of the reactivation of the Higher Council for Maternal and Child Welfare and welcomes the willingness of Yemen's Prime Minister to head this Council. Nevertheless, the Committee is still concerned about the insufficiency of funding for the adequate functioning of the Council. The Committee remains concerned about the lack of adequate coordination between government institutions and bodies involved in the protection of children's rights, both at national and local levels. The Committee encourages the State party to take all necessary steps to strengthen the role of the Higher Council for Maternal and Child Welfare, at both central and local levels. In addition, the Committee reiterates its recommendation that the State party take further steps to strengthen coordination between the various government institutions and bodies involved in children's rights.

12. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 19) concerning the need to develop indicators for monitoring the implementation of policies and programmes for children, the Committee remains concerned that disaggregated data and indicators for all areas covered by the Convention were not included in the periodic report. The Committee recommends that the State party continue reviewing and updating its data-collection system, with a view to including all the areas covered by the Convention. Such a system should include all children under 18 years of age, with specific emphasis on vulnerable groups of children. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

13. While the Committee acknowledges the State party's efforts to disseminate information on the provisions of the Convention, it remains concerned about the limited impact of these measures. The Committee recommends that the State party take further measures, including through the media, to disseminate the Convention among the adult population, including professional groups and community, tribal and religious leaders, as well as among children. The Committee encourages the State party to continue working in this area in close partnership with non-governmental organizations and UNICEF.

14. With reference to the Committee's recommendation (see CRC/C/15/Add.47, para. 17), the Committee regrets the lack of information on the State party's measures to carry out training programmes for professional groups working with and for children. The Committee recommends that the State party take all necessary steps for the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

15. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 20), the Committee recognizes the numerous efforts undertaken by the State party in regard to the implementation of social programmes.

Nevertheless, it remains concerned that the adoption of structural adjustment programmes might have an adverse effect on the implementation of social programmes, especially those related to children. In the light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of its available resources, including through international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. The Committee also recommends that the State party take into consideration a child rights component in designing its social policies and programmes.

16. The Committee remains concerned that the legal "ages of maturity", which refer to the criterion of puberty, set at 10 years for boys and at 9 years for girls, are too low. Concern is also expressed at the low age of criminal responsibility (7 years). Furthermore, the Committee reiterates its deep concern (see CRC/C/15/Add.47, para. 7) at the fact that the State party has lowered the minimum legal age for marriage of boys from 18 to 15, instead of increasing that for girls. The Committee recommends that the State party introduce adequate reforms into its legislation in order to raise the ages of maturity and criminal responsibility and the minimum legal age for marriage, with a view to bringing them into full conformity with the principles and provisions of the Convention. In this regard, the Committee encourages the State party to undertake awareness-raising campaigns regarding the harmful effects of early marriage.

17. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 14), the Committee remains concerned that the State party does not appear to have fully taken into account the general principles of the Convention - articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) - in its legislation, administrative and judicial decisions, and in its policies and programmes relevant to children. The Committee reiterates its recommendation that further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions, and are appropriately integrated into any judicial and administrative decisions, as well as into the development and implementation of all projects, programmes and services which have an impact on children.

18. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern about the persistent disparities between the northern and southern regions of the State party as well as between urban and rural areas. Furthermore, the Committee remains concerned (see CRC/C/15/Add. 47, paras. 8 and 9) about the occurrence of discrimination affecting girls, children with disabilities, children born out of wedlock, refugee children, Akhdam children and children belonging to nomadic groups. The Committee reiterates its recommendation to the State party to continue taking measures to reduce economic, social and geographical disparities, including between rural and urban areas, and to prevent discrimination against the most disadvantaged groups of children.

19. The Committee is still concerned (see CRC/C/15/Add. 47, para. 6) that the participatory rights of children, as enshrined in the Convention, are not

taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14), freedom of association and peaceful assembly (art.15). The Committee recommends that the State party should further develop a systematic approach to increasing public awareness, including through the media, of the participatory rights of children, in order to make these rights and their implications fully understood by the population at large.

20. The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration, and at the lack of awareness of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and are understood by the population at large. Furthermore, the Committee wishes to call the attention of the State party to the serious implications of the absence of a birth certificate, which can result in the sentencing of a child to the death penalty or preclude his or her access to health services.

21. Although the Committee is aware that ill-treatment of children is prohibited by law, it remains concerned that the use of corporal punishment by parents is widely regarded to be acceptable. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in the light of articles 3, 12, 19 and 28 of the Convention. The Committee further suggests that the State party ensure that alternative disciplinary measures are developed within the family and in schools and other institutions.

22. The Committee expresses its concern at the lack of information on the implementation of the Committee's recommendation with regard to enhancing the role of the family in the promotion of children's rights (see CRC/C/15/Add.47, para. 16). The Committee reiterates its recommendation that the State party pay special attention to enhancing the role of the family in the promotion of children's rights, and stresses the importance of the status of women in family and social life. In this regard, the Committee recognizes the importance of developing family counselling services, in both urban and rural areas.

23. Although the Committee is aware of the long tradition of in-community care for children deprived of a family environment, it expresses its concern at the insufficient number of care centres for abandoned boys and the absence of facilities for abandoned girls. The Committee recommends that the State party take all available measures to establish alternative care centres for abandoned girls and/or establish alternatives to institutionalizing children (for example, foster families, adoption, kafalah). The Committee further recommends that the State party undertake follow-up measures and institute a monitoring and evaluation system to ensure the adequate development of this group of children.

24. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. Furthermore, the Committee is particularly concerned about the high rate of maternal mortality due to the fact that the majority of births take place in the absence of appropriate medical care, as well as the limited access of women to appropriate health services and education, especially in rural areas. The Committee suggests that the State party allocate appropriate resources and consider seeking technical assistance, when needed, to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF Integrated Management of Childhood Illness programme is recommended. In addition, the Committee recommends that the State party strengthen its efforts in the provision of user-friendly health-care facilities for women (antenatal, maternal and perinatal care) and adequate training for health workers (for example, midwives), especially in rural and remote areas.

25. With regard to adolescent health, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access to reproductive health education and counselling services for teenagers, including outside schools. The Committee is also concerned at the lack of preventive measures, including information campaigns, regarding sexually transmitted diseases (STDs) and HIV/AIDS. The Committee recommends that the State party promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services, as well as care and rehabilitation facilities for adolescents. Furthermore, the Committee recommends that the State party, inter alia, undertake awareness-raising campaigns to prevent and combat the spread of STDs and HIV/AIDS and to establish health facilities and programmes for the care of children infected or affected by HIV/AIDS (see also the Committee's recommendations on children living in a world with HIV/AIDS, CRC/C/80).

26. The Committee is concerned about the practice of female genital mutilation and other harmful traditional practices affecting the health of the girl child in some regions of the State party. The Committee wishes to endorse the recommendation made by the Human Rights Committee in 1995 (see A/50/40, para. 261) that the State party conduct a study on the practice of female genital mutilation and other harmful traditional practices and formulate specific plans to prevent, combat and eradicate this practice.

27. The Committee expresses its concern at the high rate of disability in children in the State party and at the lack of infrastructure, limited qualified staff, and specialized care and rehabilitation facilities to address their needs. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early

identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres, and encourage their inclusion in society.

28. With regard to the educational system, the Committee remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates as well as the low enrolment rate and limited access to education in rural and remote areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure, lack of basic equipment, outdated school curricula and gender and geographical disparities in school attendance. In the light of articles 28 and 29 of the Convention, the Committee recommends that the State party undertake all appropriate measures to, inter alia, improve the school infrastructure and update its equipment; to accelerate the implementation of the compulsory education system; to improve access to education for boys and girls, including those in the most vulnerable groups; to strengthen training programmes for teaching personnel. The Committee encourages the State party to seek, to this effect, international cooperation from, inter alia, UNESCO and UNICEF.

29. The Committee regrets the lack of information on the implementation of the Committee's recommendation (see CRC/C/15/Add.47, para. 17) regarding the need to incorporate the Convention and the teaching of human rights in the school curricula. The Committee reiterates its recommendation that the State party give attention to incorporating the Convention and the teaching of human rights in school curricula, especially within the framework of the United Nations Decade for Human Rights Education.

30. While the Committee welcomes the State party's openness to hosting refugees from the Horn of Africa, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 21), the Committee remains concerned at the lack of information on the number of asylum-seeking and refugee children. In the light of article 22 of the Convention, the Committee reiterates its recommendation that the State party ensure adequate legal protection to refugee children, including the guarantee of their physical safety and access to health and education. In this connection, the Committee suggests that the State party consider seeking technical assistance from, inter alia, UNHCR.

31. In the light of articles 38 and 39 of the Convention, the Committee is concerned about the situation of children affected by the recent armed conflicts in the State party and in neighbouring countries. Concern is also expressed about the presence of landmines in the State party, which threatens the lives of children. The Committee recommends that the State party take all appropriate measures for the protection of children affected by armed conflicts, including their physical and psychological rehabilitation and social reintegration. The Committee recommends that the State party take all necessary measures, especially awareness-raising programmes on landmines for the population at large, including children. In this regard, the Committee encourages the State party to consider seeking international cooperation.

32. While the Committee takes note of the measures taken by the State party in the field of child labour, it remains concerned about their limited impact, including on the situation of child beggars (see CRC/C/15/Add.47, para. 21), and at the lack of adequate monitoring mechanisms. Furthermore, the Committee reiterates its concern for children living and/or working on the streets, who require special attention because of the risks they are exposed to. The Committee recommends that the State party review its legislation and practice in order to protect children from being economically exploited. Labour inspectorates should be strengthened and penalties imposed in cases of violation. It is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. The Committee further recommends that the State party undertake research on the issue of children living and/or working on the streets, with a view to adopting a national policy for the protection and rehabilitation of these children.

33. Although the Committee welcomes the State party's willingness to carry out research on the issue of sexual exploitation of children, it is concerned at the absence of knowledge, data and a comprehensive study on this issue. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party review and reinforce its legislative framework to protect fully all children under 18 years of age from all forms of sexual abuse and exploitation, including within the family. The Committee further recommends that the State party use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

34. While noting that the State party has in place domestic legislation relating to juvenile justice, the Committee remains concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as with other relevant United Nations standards. The Committee is especially concerned about the lack of detention centres for female juvenile offenders; the use of detention other than as a measure of last resort; the poor living conditions in detention centres; the use of physical punishment, including flogging, and torture in detention centres; the lack of rehabilitation measures and educational facilities for juvenile offenders; and the placement of "potential delinquents" in detention centres instead of care institutions for their rehabilitation. Furthermore, the Committee considers that the age of criminal responsibility, set at 7 years, is too low. The Committee reiterates its recommendation (see CRC/C/15/Add.47, para. 21) that the State party take all measures to review its legislation in order to reflect fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Training programmes on relevant international standards should be organized for all professionals working in the system of juvenile justice. The Committee recommends that the State party consider seeking technical assistance from, inter alia, the Office of the

United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

35. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.103
24 August 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: BARBADOS

1. The Committee considered the initial report of Barbados (CRC/C/3/Add.45) at its 534th to 536th meetings (see CRC/C/SR.534-536), held on 18 and 19 May 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the clear and comprehensive nature of the report, which followed the Committee's guidelines. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/BARBADOS.1) while regretting their late submission, and of the additional information provided to it during the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and open dialogue with the State's party delegation.

B. Positive aspects

3. The Committee welcomes the establishment in September 1998 of the National Committee for Monitoring the Rights of the Child, which will monitor the implementation of the Convention. It welcomes the mandate of the National Committee to carry out a thorough review of legislation, with a view to ensuring its conformity with the principles and provisions of the Convention.

4. The Committee also welcomes the opportunity for increased coordination that arises from the provision in the manifesto of the Government for a new Ministry of Social Transformation.

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* At the 557th meeting, held on 4 June 1999.

5. The Committee welcomes the adoption of policies regarding children with disabilities in the State party.

6. The Committee takes note of the forthcoming signing of the Penal Reform Act which has increased the age of criminal responsibility from 7 to 11 years.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that recent international economic trends and policy decisions are of concern to all Caribbean States and create pressure on the State party to adopt economic restructuring policies which may have a negative impact on social and economic development. In adopting such restructuring policies, the State party faces the serious challenge of avoiding endangering the implementation of the Convention.

D. Principal subjects of concern and the Committee's recommendations

1. General measures of implementation

8. The Committee is concerned that the State party has not yet given adequate attention to the need to review existing legislation thoroughly to examine its conformity with the provisions of the Convention. The Committee notes that inconsistencies remain, especially with regard to the definition of the child, the acceptability of certain forms of physical abuse, and in the area of juvenile justice. **The Committee recommends that the National Committee for Monitoring the Rights of the Child proceed with its planned review of existing legislation and encourages the National Committee to consider carefully the principles as well as all provisions of the Convention, and in particular article 3. The Committee recommends that the State party give full support to the National Committee in this task and that it pay careful attention to the implementation of any recommendations for review of legislation that the National Committee may identify.**

9. The Committee takes note of proposed changes in administrative arrangements which should improve coordination and efforts to implement the Convention. The role that the Child Care Board plays in overall coordination of government activities dealing with children is not clear. **The Committee encourages the State party to give careful consideration to the need to provide adequate resources to, and define clearly the roles and responsibilities of the new Ministry of Social Transformation and its different units, the Child Care Board, and the National Committee for Monitoring the Rights of the Child, so as to ensure the most effective coordination and monitoring of the implementation of the Convention. The Committee also recommends that the State party ensure that a specific desk for children is set up within the existing ombudsman's office.**

10. The Committee takes note of the difficulties experienced in the State party in ensuring the collection of disaggregated data on all aspects of the implementation of the Convention and notes current plans to standardize and computerize data collection. **The Committee recommends that the State party increase its efforts, and if necessary request international technical assistance from, inter alia UNICEF, on the collection and analysis of**

statistical data on child rights, systematically disaggregated by gender, age, socio-economic background, geographic location, etc., and with an emphasis on vulnerable groups.

11. The Committee is concerned about the lack of data regarding the maximum allocation of available resources to implementation of child rights. The Committee notes that the budgetary provisions for social services affecting children and their rights, and in particular for poverty alleviation programmes and the Child Care Board, have increased steadily in recent years. **The Committee recommends that the State party give further attention to the need to disaggregate the relevant budgetary data, so as to make it possible to obtain a clearer picture of the allocation of budgetary resources.**

12. The Committee is concerned about the potential impact of economic restructuring measures, referred to in paragraph 7 above, on the implementation of the Convention. **The Committee suggests that the State party make every effort, including requesting international technical assistance, to avoid its economic restructuring policies having a real negative effect on the realization of the rights of the child.**

13. The Committee appreciates the detailed information regarding efforts to disseminate the Convention in the form of public awareness-raising campaigns, inclusion in the school curriculum, and collaboration with the media in this respect. However, the Committee is concerned that these efforts appear insufficient to achieve full acceptance of the principles and provisions of the Convention among professional groups and the general public. **The Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. In particular the Committee recommends that additional projects and programmes be dedicated to bringing about changes in traditional social attitudes that may be in conflict with full respect for the rights of the child, and encourages the State party to seek international assistance from, inter alia, UNICEF.**

2. Definition of the child

14. While the Minors Act sets the age of majority at 18 years of age, other legislation appears to set many limits on the levels of protection available for children over 16 years of age. The Protection of Children Act, 1990, offers protection from exploitation in pornography to all children under 18, but the Committee is concerned that the Sexual Offences Act, 1992, offers no special protection to children over the age of 16 and only limited protection to those between 14 and 16 years of age. Children over 16 years of age also appear to receive limited protection in legislation regulating the prevention of cruelty to children. **The Committee recommends that existing legislation be reviewed so as to increase the level of protection accorded to all children under 18 years of age.**

3. General principles

15. The Committee welcomes the general commitment of the State party to the prevention of discrimination. It takes note of the problems the State party faces in extending its provision of free education to all children beyond those who are citizens or permanent residents. **The Committee recommends that these provisions be reviewed so as to ensure implementation of the principle of non-discrimination for any child within the jurisdiction of the State party, as set forth in article 2 of the Convention.**

16. The Committee shares the concern in the State party over growing gender bias faced by boys as shown in, among other areas, academic underachievement by boys and difficulties in placing boys for adoption. At the same time the rate of girls who attempt or commit suicide is particularly high. In connection with the problems faced by both boys and girls, the Committee notes with satisfaction the recent decision to set up, within the Ministry of Social Transformation, a "Gender Affairs Bureau". **The Committee recommends that the State party continue and increase its efforts to address discrimination arising from the inappropriate socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.**

17. The Family Law Act sets the age of 16 as the point at which courts are obliged to take into account the views of a child. The Committee acknowledges the information it has received regarding the applicability of British common law which has in some cases been used by courts in the State party to consider the wishes of younger children according to the "maturity principle". Nevertheless, the Committee remains concerned that the implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with his or her evolving capacity is excessively constrained by subjective interpretation under existing legislation. **The Committee recommends that the requested review of existing legislation consider the need for application of this principle, and in any case to children younger than 16, and in particular to make it a requirement for courts and other institutions to seek and give due weight to the views of the child in all matters affecting the child, in accordance with article 12 of the Convention.**

4. Civil rights and freedoms

18. The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14, 15, 16 and 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as the subjects of rights. **The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.**

19. The Committee is concerned about legislation and policies that allow the use of flogging of children as a disciplinary measure in prisons and its use as a judicial sentence. In this respect, the Committee welcomes the commitment of the State party to give prompt consideration to the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. **The Committee encourages the State party to conduct a public awareness-raising campaign and to review its legislation and policies in order to eliminate flogging as a judicial sentence and as a disciplinary measure in the prison system.**

5. Family environment and alternative care

20. The Committee shares the concern of the State party over the challenges faced by children as a result of changes in social and family structures which have led to high numbers of single-parent households and reduced support from extended families. The existing social security structures would make it difficult for the State party to ensure that both parents contribute to the maintenance of the child. The Committee notes that public assistance is available to assist children in these circumstances, but it remains concerned about the difficulty involved in ensuring respect for the provisions of article 18, paragraphs 1 and 2, and article 27, paragraph 4, of the Convention. **The Committee recommends that continuing attention be given to the risks of early parenthood and single parenthood, to the promotion of higher levels of involvement of fathers in the upbringing and development of the child, and to the need to provide necessary support to children in these cases.**

21. The Committee notes with appreciation recent efforts to improve arrangements for foster care, e.g. the doubling of the foster care allowance. It notes that the regular monitoring focuses more on the quality of placement of children in foster care than on the need to review the placement decision as such, in accordance with article 25 of the Convention. The Committee is concerned that the efforts to provide permanence and stability for children in care may on occasion lead to a premature decision that family reunification is no longer possible. **The Committee encourages the State party to continue its efforts to strengthen the foster care system in those instances where efforts to provide support to families prove insufficient. It also recommends that further research be conducted into the functioning of the existing system, taking full account of the provisions of articles 20 and 25 of the Convention.**

22. The Committee is seriously concerned about the high proportion of children who appear to be victims of physical abuse, in most instances accompanied by psychological and emotional abuse. The Committee is highly concerned about the subjective element involved in legislation that permits a "reasonable degree" of physical chastisement as a disciplinary method. The Committee is concerned that the tolerance of corporal punishment in schools will make it extremely difficult to educate parents about alternative forms of discipline, and wishes to point out that there is usually a connection between the social and legal acceptability of corporal punishment and the high level of child abuse which is of serious concern. **The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline and to implement fully the provisions of articles 19 and 39 of the Convention; it recommends that the**

State party increase its efforts to educate the public about the negative impact of corporal punishment on the development of the child and on the effort to prevent child abuse; finally, the Committee encourages the State party to seek international assistance and advice on successful examples of how to overcome traditional social attitudes regarding corporal punishment.

23. The Committee notes the commitment of the State party to the introduction of mandatory reporting for suspected cases of child abuse. While acknowledging the progress made, the Committee remains concerned that existing legislation is still not sufficient to provide strong protection against child abuse, including sexual abuse. The Sexual Offences Act, 1992 provides very harsh sentences for only one specific form of sexual abuse of children under 14. At the same time, other information seems to indicate that there are considerable difficulties in applying this legislation, in particular when a parent is reluctant to testify or allow the abused child to testify. In addition, the Committee is concerned that the Domestic Violence (Protection Orders) Act, 1992, although showing progress in removing police discretion in the referral to court of cases of domestic violence, still fails to ensure a sufficient level of protection for children in cases of domestic violence. The Committee is convinced that the need to ensure full protection from all forms of abuse in accordance with article 19 of the Convention requires legislative measures guaranteeing that child maltreatment will not be tolerated. **The Committee recommends that the State party reassess the impact of current measures and policies. It urges the State party to develop and implement systematically projects and programmes to address the need for: prevention of child abuse; protection from abuse, including procedures to protect children from possible further victimization by the legal system; and provision of rehabilitation services in accordance with article 39 of the Convention; and to this effect, to carry out awareness-raising campaigns and a careful review of existing legislation.**

6. Basic health and welfare

24. The Committee notes the commitment of the State party to increase available services to children with disabilities, and welcomes the efforts to identify all cases of children with disabilities. Nevertheless, the Committee remains concerned that the focus is on the provision of separate services rather than inclusion. **The Committee recommends that the State party implement its policies, together with a plan of action in regard to children with disabilities.**

25. The Committee welcomes the State party's efforts to reduce the rates of adolescent pregnancy. It welcomes the efforts to raise awareness about reproductive health and rights through initiatives such as the Family Life Development Programme. Despite these efforts, the Committee remains concerned about the high levels of adolescent pregnancy and abortion, about the rising incidence of HIV and AIDS, and about the effect this has on children infected or affected (in particular those orphaned) by the epidemic. **The Committee recommends that the State party give careful attention to the recommendations formulated by the Committee during its day of general discussion on "The rights of children living in a world with HIV/AIDS" (CRC/C/80, para. 243). It recommends that the State party increase its efforts to provide appropriate adolescent health services, consider the possibility of actively involving**

adolescents in the formulation of policies and treatment programmes in accordance with their evolving capacity, and make it possible for adolescents to have access to medical advice and treatment without parental consent in accordance with their age and maturity.

26. In spite of efforts to increase attention to early childhood education, the Committee remains concerned that the number of child-care centres is not enough to serve all children concerned. The Committee takes note of recent efforts to provide child care within existing schools with the assistance of trained volunteer parents and of the difficulties encountered in persuading private employers to provide child care at the workplace. While noting the success in transforming Queen Elizabeth Hospital into a baby-friendly institution, the Committee is also concerned about the lack of data on breastfeeding practices. **The Committee encourages the State party to continue its efforts to provide sufficient numbers of child-care services and to consider the possibility of setting up child-care facilities at the workplace for public employees, thus facilitating breastfeeding practices.**

7. Education, leisure and cultural activities

27. The Committee welcomes the commitment of the State party to education and the availability of free and compulsory education until the age of 16 for children who are citizens or permanent residents. It notes the effort to improve the quality of education through the proposals in the White Paper on Educational Reform. The Committee remains concerned about practical implementation of the educational reforms and of the policy to provide textbooks to all schoolchildren, and it is also concerned about the determination of the child's academic ability at the early age of 11. In addition, the Committee is concerned about the growing incidence of educational underachievement among boys. **The Committee suggests that some of the reforms in the training of teachers focusing on teachers' attitudes could be used also to increase attention to child rights. The Committee recommends that the State party increase its efforts in educational reform, including through careful study of the impact of secondary school entrance exams at the age of 11 and through evaluation of the impact of recent reform initiatives, if necessary by seeking international assistance from UNICEF, with a view to increasing the quality and relevance of education in accordance with articles 28 and 29 of the Convention.**

8. Special protection measures

28. Although a serious child labour problem does not seem to exist, the Committee remains concerned that the existing legislation is unclear about the exact types and amount of work that are acceptable at different ages, including in connection with children assisting their families with agricultural or domestic tasks. **The Committee recommends that the State party take advantage of current preparations to ratify ILO Convention No. 138 on Minimum Age for Admission to Employment to review and clarify its own legislation concerning work at different ages in order to maximize the protection of children against economi: exploitation in accordance with article 32 of the Convention.**

29. The Committee has a number of concerns regarding the administration of juvenile justice. In particular:

(a) The concern that special provisions for juvenile delinquents do not apply to children over 16 years of age, who are dealt with by adult criminal courts and are grouped with prisoners up to the age of 23. **The Committee recommends that the State party consider raising the existing age limit from 16 to 18;**

(b) The concern about the lack of flexibility in sentencing children under the Reformatory and Industrial Schools Act (with its minimum sentence of three years and its maximum sentence of five years) and the lengthy procedure for review of detention, which appears to have resulted in an informal practice of developing an alternative sentence of one year's detention. **The Committee recommends that the State party consider the introduction of a more flexible sentencing system and a simple but efficient and effective review of court decisions that involve holding a child in detention;**

(c) The concern that section 14 of the Reformatory and Industrial Schools Act makes it possible for children to be referred to the juvenile court for offences such as "talking back" or "wandering without proper guardianship". This means that acts which are not a crime if carried out by adults may, for minors, result in a criminal sentence, e.g. placement in an Industrial School. The Committee is concerned about such criminalization of behaviour problems of children. These kinds of problems should be dealt with through psycho-social services, treatment, etc., with the necessary family support. **The Committee recommends that the State party change its legislation in this regard to prevent, as far as possible, the criminalization of children's behavioural problems;**

(d) The concern about information suggesting that the right of a child accused of infringing the law to legal assistance can be, and often is waived by a parent or guardian. More careful implementation of the provisions of article 37 (d) and article 40.2 (b) (ii) of the Convention to legal or other appropriate assistance is necessary. **The Committee recommends that the State party consider reviewing its legislation to ensure that decisions regarding legal assistance for children in conflict with the law are taken impartially and with regard solely for the best interests of the child, and that the right of the child to such assistance should not be waived by others;**

(e) While welcoming the raising of the age of criminal responsibility, the Committee remains concerned that it has been raised only to 11 years. **The Committee encourages the State party to consider the need to raise the age of criminal responsibility further.**

30. The Committee is furthermore concerned about the conditions experienced by children deprived of their liberty, both in Industrial Schools and in separate facilities at the adult prison, and in particular about the lack of sufficient provision for education and rehabilitation services. **It recommends that the State party conduct in-depth research and gather information as to the situation and outcome for children held in the Industrial Schools and in prison, and urges the State party to ensure the full compatibility of the**

juvenile justice system with the Convention, especially articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

31. In the light of article 44, paragraph 6, of the Convention, the Committee appreciates the commitment of the State party to publicize the results of the dialogue. **The Committee recommends that such efforts include making widely available to the public the initial report and written replies submitted by the State party, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.104
24 August 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: ST. KITTS AND NEVIS

1. The Committee considered the initial report of St. Kitts and Nevis (CRC/C/3/Add.51) at its 537th to 538th meetings (see CRC/C/SR.537-538), held on 20 May 1999, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, but regrets that the written replies to its list of issues (CRC/C/Q/SKN/1) were not submitted in advance of the dialogue. While the report follows the general guidelines, the Committee regrets that its brevity, particularly in the area of "special protection measures", limits the full understanding of the situation of children within the State party. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention complemented the information provided on the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Probation and Child Welfare Board Act (1994) which provides for the establishment of a Board to monitor the rights of all children; ensure the care, protection and maintenance of children within the family environment; and make provisions with respect to the fostering and adoption of children.

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* At the 557th meeting, held on 4 June 1999.

4. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the primary school level; the provision of school uniforms for children whose parents are not able to afford them; the efforts to ensure 100 per cent placement at the secondary level; and the recently established policy that allows for the readmission of teenage mothers into the regular school system.

5. The Committee notes the efforts of the State in the area of primary health-care services. In particular it notes the State party's achievement of 100 per cent immunization as well as relatively low malnutrition and infant and maternal mortality rates. The Committee also notes the introduction of programmes for free medical and dental care for all children of school age (up to 16 years).

6. The Committee welcomes the State party's 1996 initiative in becoming a member State of the International Labour Organization (ILO).

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the vulnerability of the State party to natural disasters, most recently Hurricanes Luis and Marilyn in 1995 and George in 1998, has affected the situation of children and impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

1. General measures of implementation

8. The Committee notes the recent efforts by the State party to undertake a review of existing legislation regarding children and the family. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. **The Committee recommends that the State party seek to ensure that its domestic legislation fully conforms with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive children's rights code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights.**

9. The Committee notes that the State party has acceded to only two of the international human rights instruments, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. **The Committee encourages the State party to consider the possibility of acceding to the other major international human rights instruments as these would help to strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.**

10. The Committee notes that a 12-member Probation and Child Welfare Board has been appointed with representatives from the public and private sectors of both islands of the State party and mandated with the implementation of the Convention. The Committee is concerned, however, that the Board is not yet fully operational. The Committee is also concerned that the State party has not yet elaborated a National Plan of Action for Children. The Committee also expresses concern that adequate efforts have not been made to establish an effective child rights monitoring system independent of the Probation and Child Welfare Board and the Ministry to which it is responsible. **The Committee recommends that further steps be taken by the State party to strengthen its coordinating efforts and ensure that the Probation and Child Welfare Board is fully operational. The Committee encourages the State party to consider the implementation of a National Plan of Action for Children that includes a rights-based, rather than an exclusively welfare-focused approach. The Committee also recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of adequate monitoring mechanisms to guarantee the promotion and protection of children's rights.**

11. The Committee is concerned at the lack of a data collection mechanism within the State party for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party seek to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, children living in poverty, children in the juvenile justice system, children of single-parent families, children born out of wedlock, sexually abused children and institutionalized children. It is suggested that the State party seek technical assistance from, inter alia, UNICEF.**

12. The Committee notes with concern the lack of involvement of NGOs in the elaboration of the State party's report and the generally limited participation of civil society in the promotion and implementation of the Convention. **The Committee recommends that the State party take the necessary measures to encourage and facilitate the participation of civil society as well as the wider population in the promotion and implementation of the Convention.**

13. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. **The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism.**

14. The Committee notes the impact of the recent natural disasters which have had adverse effects on social investment within the State party. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of (...) available resources". **In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

15. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention through programmes such as "Child Month", the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of the administration of both islands and personnel of child-care institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

2. Definition of the child

16. The Committee expresses concern regarding the low legal age for criminal responsibility (8 years). The Committee expresses further concern that the Prevention of Cruelty and Protection of Juveniles Clause of the Juvenile Act does not provide special protection for children between the ages of 16 to 18 years, and by the absence in legislation of a legal age defining the attainment of majority. **The Committee recommends that the State party review its legislation, especially with respect to criminal responsibility, in order to bring it into full conformity with the provisions and principles of the Convention.**

3. General principles

17. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. **It is the Committee's**

view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

18. While the Committee notes the efforts made by the Early Childhood Development Unit of the Ministry of Education and the Department for Community Development to encourage the participatory rights of children in all communities, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. **The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and the care and judicial systems.**

4. Civil rights and freedoms

19. The Committee is concerned about the potentially harmful effects of programmes available through cable television which is the preferred viewing option of the population. **The Committee recommends that the State party take measures, including parental education, to protect children from exposure to harmful information, including violence and pornography.**

20. The Committee remains gravely concerned that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use. **In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.**

5. Family environment and alternative care

21. The Committee notes the large number of single-parent families and the impact on children. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock from "visiting" or common law relationships. The Committee expresses further concern regarding the financial and psychological impact of "visiting relationships" on children. The lack of sufficient support and counselling in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially those in "visiting" and common law relationships, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal**

nature, to ensure that the rights of children born of "visiting" and common law relationships are protected. It is suggested that the State party seek technical assistance from, inter alia, UNICEF and WHO.

22. While noting the recent efforts of the State party to ensure that emigrating parents make arrangements for the maintenance of their children, the Committee remains concerned at the absence of bilateral agreements for reciprocal enforcement of maintenance orders. **The Committee recommends that efforts be made to put in place the necessary measures to ensure the recovery of maintenance for children from parents who emigrate.**

23. While the Committee notes a decline in the overall number of children deprived of a family environment, it is concerned that boys continue to be particularly vulnerable to placement in alternative and foster care. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions as well as the lack of available trained personnel in this field. **It is recommended that the State party undertake a study to assess the situation of boys within the family environment and their susceptibility to placement in alternative and/or foster care. The Committee also recommends additional training, including in children's rights, for social and welfare workers as well as the establishment of an independent complaints mechanism for children in alternative care institutions.**

24. The Committee is concerned at the absence of legislation, policies and institutions to regulate intercountry adoption. The lack of monitoring with respect to domestic and intercountry adoptions is also a matter of concern. **In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

25. The lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is also concerned at the lack of a standardized approach to the reporting and management of child abuse, neglect and abandonment as well as the delineation of roles between the police, the Community Affairs Department, and health and education agencies. The Committee notes with concern the increasing number of children institutionalized as a result of abuse and neglect. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims in accordance with article 39 of the**

Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

6. Basic health and welfare

26. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on accidents, violence, abortion, HIV/AIDS and STDs. The Committee is particularly concerned at the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their low attendance at antenatal clinics as well as their generally poor breastfeeding practices. The Committee is concerned that most of the current cases of infant mortality are related to teenage mothers. **The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care, counselling, and rehabilitation facilities for adolescents. The Committee also encourages the State party to develop comprehensive policies and programmes to reduce the incidence of infant mortality and promote proper breastfeeding and weaning practices among teenage mothers. In this connection, it is also recommended that the State party consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.**

27. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities into the educational system and generally within society. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.**

7. Education, leisure and cultural activities

28. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned at the high drop-out rate for males in the upper grades of primary school, the poor reading ability of primary school males, the high incidence of truancy, lack of relevant learning material, insufficient numbers of trained and qualified teachers, and the tendency towards teaching methods that are almost exclusively exam oriented. The Committee is also concerned that the policy which allows teenage mothers to re-enter the educational system has not been equally implemented in both islands of the State party. **The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students receive an adequate mix of academic and life skills, including communication, decision-making and conflict-resolution skills. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure the full implementation of its policy regarding the readmission of teenage mothers into the school system in all regions of its territory. The Committee encourages the State party to accelerate its implementation of the Caribbean Community Multi-agency Health and Family Life Education Project which facilitates the retraining of teachers as well as the development of appropriate curricula and public education campaigns. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

8. Special protection measures

29. In view of the high drop-out rate for males in the upper grades of primary school, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly within the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment.**

30. The Committees notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of drug and substance abuse among youth, the apparent lack of adequate legal provisions and the limited social and medical programmes and services available in this regard. **In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing**

with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the United Nations Division for Crime Prevention.

31. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before the hearing of juvenile cases and the apparent lack of confidentiality accorded such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law, and the limited number of trained personnel to work with children in this regard.

The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all those professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

32. While the Committee notes the establishment of a national committee to regulate the use of corporal punishment within the juvenile justice system, it remains gravely concerned that the Corporal Punishment Act (1967) continues to allow the corporal punishment of a male juvenile convicted of an offence and to empower the magistrate's court to order a juvenile convicted of an offence to be "whipped". **The Committee recommends that the State party take all necessary measures to prohibit the use of corporal punishment within the juvenile justice system, including the repeal of the Corporal Punishment Act (1967).**

33. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.105
24 August 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Honduras

1. The Committee considered the second periodic report of Honduras (CRC/C/65/Add.2) at its 541st and 542nd meetings (see CRC/C/SR.541-542), held on 25 May 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report. In particular, the Committee notes with satisfaction the willingness of the State party to use this report as a call for action, a guide and a situation analysis to formulate, evaluate and monitor the most important advances in the field of children's rights in the State party. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/HON.2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 557th meeting, held on 4 June 1999.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the constitutional reform (1995), which has endorsed the mandate of the Office of the National Commissioner for Human Rights for the promotion and protection of children's rights, and has abolished the State party's mandatory military service and prohibited service in the military of persons younger than 18.

4. In light of its recommendations (see CRC/C/15/Add.24, paras. 20 and 21), the Committee welcomes the enactment of the Children and Adolescents Code (1996) and the participation of non-governmental organizations in the drafting of the Code.

5. The Committee notes with appreciation the establishment of the network of municipal children's defenders (*Defensores Municipales de la Niñez*), which aims at strengthening the municipalities' involvement in the application and monitoring of the rights of the child.

6. In light of its previous recommendation (see CRC/C/15/Add.24, para. 24), the Committee welcomes the enactment of the Law against Domestic Violence and the reforms to the Penal Code as well as the establishment of the Institute for Women as measures to prevent and combat gender discrimination. In the same vein, the Committee welcomes the creation of an office for the defence of children and persons with disabilities, within the Attorney General's Office (*Ministerio Público*), as well as the creation of the National Council for the Attention of Children with Disabilities (CONAMED).

7. The establishment of poverty alleviation programmes such as the ones carried out by the Honduran Social Investment Fund (FHIS), Family Assistance Programme (PRAF) and the Social Housing Fund, which are in line with the Committee's recommendations (see CRC/C/15/Add.24, para. 29), are noted with appreciation.

8. In light of the Committee's recommendation (CRC/C/15/Add.24, para. 30), the Committee welcomes the measures taken by the State party to include the teaching of human rights, including children's rights, in the school curricula.

9. The Committee welcomes the signing of a memorandum of understanding (1997), between the State party and the International Labour Organization/International Programme for the Eradication of Child Labour (ILO/IPEC), for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35).

C. Factors and difficulties impeding further progress in the implementation of the Convention

10. The Committee notes with deep concern the devastating effects of Hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage

caused in the agriculture sector and to infrastructure. Hurricane Mitch not only left many dead or missing, including children, and destroyed homes and educational and health-care facilities and services, but also constituted a setback in the efforts of the State party to gradually make children's rights a reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

11. The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

D. Principal subjects of concern and the Committee's recommendations

1. General measures of implementation

12. Although the Committee welcomes the enactment of the Children and Adolescents Code, it remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, especially those which still regard children as objects and not as subjects of rights (the irregular situation approach). **The Committee recommends that the State party take all available measures to ensure that the Children and Adolescents Code and other domestic legislation (e.g. Penal Code, Labour Code, Family Code and draft Adoption Law) are in full conformity with the principles and provisions of the Convention.**

13. While noting the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para.21) concerning the need to establish adequate coordination between various governmental entities dealing with children's issues, both at the national and the local levels, and taking note of the transformation of the Social Welfare Board (JNBS) into the Honduran Institute of Children and the Family (IHNFA), the Committee is still concerned about the insufficiency of these measures. In particular, the Committee is concerned that IHNFA does not have sufficient financial and human resources to carry out its mandate in an effective manner throughout the territory of the State party. **The Committee recommends that the State party take further measures to reinforce the existing coordinating mechanisms (e.g. the National Commissioner for Human Rights, IHNFA, etc.), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide IHNFA with adequate financial and human resources in order that it may carry out its mandate in an effective manner. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.**

14. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.24, para. 21) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken in cooperation with the Inter-American Children's Institute and the information provided by the State party regarding the conduct of a population census in the year 2000, the Committee remains concerned about the lack of disaggregated data on all the areas covered by the Convention. **The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

15. The Committee takes note of the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 23) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large. Nevertheless, it remains concerned at the insufficiency of these measures, especially among indigenous and ethnic groups as well as in rural areas. **The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous and ethnic groups as well as in rural and remote areas. In this regard, the Committee further recommends the incorporation of local structures such as the municipal children's defenders and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends publicizing the Convention in innovative ways, taking into consideration the specific needs of indigenous and ethnic groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.**

16. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 23), the Committee appreciates the detailed information on the conduct of training programmes for professionals working with and for children. Nevertheless, the Committee is of the opinion that such measures need to be reinforced. **Therefore, the Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Furthermore, special attention should be given to the provision of training for professionals working with and for children on how the principles and provisions of the Convention are reflected in and**

implemented by domestic legislation (e.g. Children and Adolescents Code). Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

17. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.24, para. 8) that stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In addition, the Committee expresses its concern at the lack of a child rights dimension in the context of the Master Plan for National Reconstruction (after Hurricane Mitch). **In light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of available resources, including international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee recommends that the State party take children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts in seeking international cooperation for reconstruction after Hurricane Mitch.**

2. Definition of the child

18. With regard to the implementation of article 1 and other related provisions of the Convention, the Committee takes note of the existing legal studies to reform domestic legislation and harmonize the different legal ages according to the principles and provisions of the Convention. Nevertheless, the Committee is concerned about the use of the biological criterion of puberty to set different ages of maturity between boys and girls. This practice is contrary to the principles and provisions of the Convention and, inter alia, constitutes a form of gender-based discrimination which affects the enjoyment of all rights. **The Committee recommends to the State party to introduce the adequate reforms to its domestic legislation in order to bring it into full conformity with the principles and provisions of the Convention.**

3. General principles

19. While the Committee acknowledges the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 24) for the protection of the rights of the most vulnerable groups of children, it is of the opinion that these measures need to be reinforced. In addition, the Committee is particularly concerned about the prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child. **The Committee reiterates its recommendation to the State party and further recommends that it increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee recommends that the State party strengthen its efforts in order to revise prevailing cultural attitudes**

and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination enshrined in article 2 of the Convention. The Committee also recommends that the State party undertake educational campaigns to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, the Committee suggests that the State party consider acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

20. With regard to its recommendation (see CRC/C/15/Add.24, para. 20), the Committee notes that the current domestic legislation has partially integrated the principles of "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12). Nevertheless, it remains concerned that in practice, these principles are not fully implemented and children are not yet perceived as persons entitled to rights. **The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.**

4. Civil rights and freedoms

21. While the Committee takes note of the State party's efforts to improve birth registration, especially those by the Office of the National Registry of Persons and the National Commissioner for Human Rights, it remains concerned about the fact than in some Departments only 20 per cent of all births are registered. **In light of article 7 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.24, para. 25) and further recommends that the State party increase measures to ensure the immediate registration of the birth of all children, especially those living in rural and remote areas. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.**

22. Although the Committee notes with appreciation the enactment of the Education Reform Law, which encourages and increases the participation of children in schools, it is still concerned that participatory rights of children have not been sufficiently developed in the State party. In addition, concern is also expressed at the existing legal prohibition of students' organizations in secondary schools, which is contrary to the child's rights to freedom of association and peaceful assembly. **In light of articles 15 and 16 and other related articles of the Convention, the Committee recommends that further measures, including legislative reform, be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression, and association.**

23. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 33), the Committee notes the measures taken by the State party to investigate cases of police brutality against children living in and/or working on the streets as well as the payment of compensation to the victims of such abuse. Nevertheless, the Committee is of the opinion that judicial measures need to be reinforced. **The Committee recommends that the State party reinforce its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of abuse of children be duly investigated in order to avoid impunity for perpetrators.**

5. Family environment and alternative care

24. While noting that the Children and Adolescent Code and other domestic legislation regulate the process of adoptions, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). **The Committee reiterates its suggestion to the State party to consider its accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

25. While the Committee takes note of the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 33) regarding the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. **In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.**

6. Basic health and welfare

26. In light of its recommendation (see CRC/C/15/Add.24, para. 28), the Committee welcomes the measures taken to improve the health standards of children, in particular those initiatives related to the reduction of infant mortality such as the Integrated Management of Childhood Illnesses, implemented in cooperation with WHO and UNICEF. Nevertheless, the Committee remains concerned about the persistent high rates of malnutrition in children

under five years of age and in school-age children and limited access to health-care services in rural and remote areas. **The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children.**

27. With regard to adolescent health issues, the Committee welcomes the State party's initiatives and programmes to prevent and combat the spread of HIV/AIDS, and takes note of the intention to enact legislation for the protection of the rights of persons infected by HIV/AIDS. Nevertheless, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access by teenagers to reproductive health education and counselling services, including outside schools. The Committee is also concerned at the increasing rate of substance abuse among adolescents. **The Committee recommends to the State party to continue, with the support of international cooperation, with its efforts in the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems and as a basis to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.**

28. With regard to the situation of children with disabilities, the Committee expresses its concern at the lack of adequate infrastructure, qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of a governmental policy and programmes for children with disabilities and at the lack of governmental monitoring of private institutions for these children. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. Furthermore, the Committee encourages the State party to continue working in partnership with specialized non-governmental organizations in this field.**

7. Education, leisure and cultural activities

29. In light of its recommendation (see CRC/C/15/Add.24, paras. 30-31) on the educational system, the Committee takes note of the follow-up measures undertaken by the State party in this field and notes with appreciation the plans for the establishment of the Honduran Programme of Community Education (PROHECO), which aims at improving children's access to education. Nevertheless, the Committee remains concerned about the low enrolment rates, especially in rural and remote areas, high drop-out rates from primary and secondary schools, and the lack of attention to the special needs of working children and children with disabilities. **The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-outs. The Committee encourages the State party to consider technical assistance in this area, inter alia from UNESCO.**

8. Special protection measures

30. The Committee regrets the lack of follow-up to the Committee's recommendation (CRC/C/15/Add.24, para. 34) regarding the need to introduce legislation for the protection of the rights of refugees. **The Committee reiterates its recommendation to the State party to undertake the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards.**

31. The Committee remains concerned about the living conditions of children belonging to indigenous (e.g. Lencas, Chortis, Miskitos, etc.) and ethnic groups (e.g. Garifunas), especially with regard to the full enjoyment of all the rights enshrined in the Convention. **In light of articles 2 and 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention.**

32. While welcoming the measures taken for the eradication of child labour, in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. **In light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged within the memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee encourages the State party to continue enforcing labour legislation prohibiting the work of children in the maquila industry.**

33. The Committee also expresses its concern about the situation of children who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets and are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction. The rising number of youth gangs (known in Honduras as maras) is also an area of concern. **In this regard, while the Committee takes note of the State party's plans to implement a specific strategy to address the issue of street children, it recommends to the State party to continue working in cooperation with non-governmental organizations in this area and to adopt appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon. Special attention in the form of preventive and rehabilitation measures should be given to the rising number of youth gangs.**

34. While the Committee takes note of the reforms to the Penal Code and of the training given to the municipal children's defenders to prevent and combat sexual abuse and exploitation of children, it expresses concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children as well as the lack of a national plan of action to tackle this issue. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.**

35. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.24, para. 32), inter alia the increase in the number of juvenile courts; the fact that children are not detained in the same prisons as adults and that special centres for children have been created; and the establishment of alternative measures to the deprivation of liberty. Nevertheless, the Committee remains concerned, inter alia, that deprivation of liberty is not used systematically as a measure of last resort; that due process is not fully respected; and that there is lack of adequate training for the police on the application of the Convention and other relevant international standards. **The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially, articles 37, 40 and 39, and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort, that due process needs to be respected in all cases, and that alternative measures to deprivation of liberty need to be strengthened. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the**

United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

36. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.106
12 August 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-first Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: BENIN

1. The Committee considered the initial report of Benin (CRC/C/33/Add.52) at its 543rd to 545th meetings (see CRC/C/SR.543-545), held on 26 and 27 May 1999, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/BEN/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee notes the efforts undertaken by the State party to ensure that the principles and provisions of the Convention are widely known. In particular, it notes the State party's recent initiative to translate the Convention into seven local languages and to work in cooperation with the local media to encourage the broadcasting of programmes on child rights and the Convention, in local languages, throughout various regions of the country. The Committee welcomes the State party's use of child-friendly materials, such as the children's magazine entitled "The Adventures of Sika", in the promotion of the Convention and its principles.

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* At the 557th meeting, held on 4 June 1999.

4. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the implementation of the new education policy which aims to promote and facilitate increased school attendance of girls; enhance the quality of basic education by improving the level of teacher training and providing a more positive learning environment; and increase the overall access to basic education. The Committee notes the introduction of popularization programmes in the State party's six subprefectures to promote and encourage respect for children's rights as part of both the formal and informal educational system in the context of the Education and Community Project supported by UNICEF.

5. The Committee notes the efforts by the State party in the area of child labour and economic exploitation and in particular the 1994 study which led to the implementation of a programme of action aimed at preventing children from entering the labour market; improving the conditions of work of children as a first step towards the elimination of child labour; abolishing child labour in hazardous activities; and raising awareness of children, parents, employers and the public at large of the dangers of early work for children. In this regard, the Committee welcomes the State party's 1996 cooperation agreement with the International Labour Office (ILO) for the implementation of the International Programme for the Elimination of Child Labour (IPEC).

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

1. General measures of implementation

7. The Committee notes the recent efforts of the State party to draft a Personal and Family Code that takes into account the situation of children. In this regard, the Committee further notes the State party's proposal to undertake a review of all legislation relating to children's rights with a view to drawing up a comprehensive children's code along the lines of the draft Personal and Family Code. The Committee remains concerned, however, that domestic legislation, and in particular the Dahomey Code of Customary Law, still does not fully reflect the principles and provisions of the Convention. **The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Personal and Family Code. The Committee recommends that the State party implement its proposal to undertake a review of its domestic legislation to ensure full conformity with**

the principles and provisions of the Convention and facilitate the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

8. The Committee notes the establishment of the Benin Committee for Human Rights which is open to receiving and handling complaints from children, but regrets that insufficient efforts have been made to facilitate the participation of children, traditionally discouraged from making complaints. The Committee further notes the establishment of the National Monitoring Committee on the Implementation of International Human Rights Instruments (1996), but regrets that its broad mandate does not adequately allow for the specific monitoring of children's rights. The Committee is concerned that the State party has not yet established a national institution to deal with the coordination and implementation of the Convention and that these activities continue to be dispersed between several different agencies with minimal human and financial resources. **The Committee urges the State party to ensure that existing monitoring mechanisms incorporate a child-rights focus. Additionally, the Committee recommends that the State party empower an existing national institution or establish a new one to coordinate and implement the Convention, including at the community level.**

9. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, girls, in particular girls who have run away from their guardians, known as "Vidomegons", children living in remote rural areas, children living in poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children of single-parent families, children born out of wedlock, children born of incestuous relations, sexually abused children, and institutionalized children. Technical cooperation in this area from, inter alia, UNICEF is encouraged.**

10. While noting the State party's recent introduction of a special telephone hotline for children to deal with complaints of violations of their rights and to provide remedies for such violations, the Committee is concerned that efforts have not been made to include social workers and NGOs in the project and to ensure adequate training for all officers currently assigned to field calls. **The Committee recommends that efforts be made to introduce an awareness raising campaign to facilitate the effective use of the hotline and to ensure accessibility to all children throughout the State party. The Committee further recommends that the State party take the necessary measures to provide adequate training for all personnel assigned to work with the hotline services.**

11. The Committee notes the impact of economic policies and the structural adjustment programme which has had adverse effects on social investment. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of children "to the maximum extent of (...) available resources". **In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

12. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in all local languages. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration and personnel of child-care institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and the United Nations Educational, Scientific and Cultural Organization.**

2. Definition of the child

13. The Committee expresses concern at the low minimum legal age for marriage of girls - 15 years under the Civil Code and 14 years under the Dahomey Code of Customary Law. The Committee is particularly concerned about the disparity between the minimum legal ages for the marriage of boys (18-20 years) and that of girls. The Committee regrets that the new draft Personal and Family Code still does not adequately address these concerns in conformity with the Convention. **The Committee recommends that the State party review its legislation, especially that relating to the legal ages for marriage and criminal responsibility, in order to bring it into conformity with the provisions of the Convention.**

3. General principles

14. While the Committee takes note of the draft Personal and Family Code, it remains concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general

principles as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. **It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

15. While the Committee notes that the principle of non-discrimination (article 2) is reflected in the Constitution as well as in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities, particularly mental disabilities; girls, particularly "Vidomegons"; children living in remote rural areas; children living in extreme poverty; children living and/or working on the street; refugee and asylum-seeking children; children in the juvenile justice system; children born out of wedlock; children of incestuous relations; and institutionalized children. **The Committee recommends to the State party to increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.**

16. While the Committee notes the efforts of the State party, it remains concerned that infanticide continues to be practised, particularly in rural communities and on infants with disabilities. **The Committee recommends that the State party seek to fully implement article 6 of the Convention and take measures, including those of a legal nature, to prevent and discourage infanticide and protect infants and guarantee their right to life, survival and development. In this regard, the Committee further recommends the introduction of education and awareness-raising programmes to change societal attitudes.**

17. The Committee is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. **The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within schools, families, and the care and judicial systems.**

4. Civil rights and freedoms

18. The Committee notes the enactment of domestic legislation to guarantee registration at birth and the proposed establishment of new legal provisions for the implementation of civil registries, particularly in remote rural communities. However, it remains concerned that many children are still not registered. The lack of awareness about registration procedures and the lack of adequate procedures and mechanisms in this regard are also matters of concern for the Committee. **In light of articles 7 and 8 of the Convention, the Committee recommends that all necessary measures be taken to ensure that**

birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

19. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, schools, the care and juvenile justice systems and generally within society. **The Committee recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention.**

5. Family environment and alternative care

20. The Committee is concerned about the lack of policies and programmes to provide guidance and assistance to parents in fulfilling their parental responsibilities. **The Committee recommends that the State party seek to establish policies and programmes to provide guidance and assistance to parents and to enhance their parental skills.**

21. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the quality of living conditions in alternative care institutions; the inadequate monitoring of placements; and the limited number of qualified personnel in this field. The increasing incidence of abandonment is also a matter of concern for the Committee. **The Committee recommends that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children.**

22. The Committee notes that the State party has enacted legislation to regulate domestic adoptions. While it is noted that the State party has discontinued intercountry adoptions, the Committee remains concerned at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of informal adoptions are also matters of concern. **In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children in this regard. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

23. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse; the lack of appropriate resources (both financial and human); the lack of adequately trained personnel to prevent and combat abuse; as well as the lack of awareness and information, including statistical data on these phenomena, are also matters of concern. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the scope and nature of these practices, and that it adopt adequate measures and policies to contribute to changing attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and that sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

6. Basic health and welfare

24. While noting the State party's recent initiative to increase its budgetary allocation for the expansion of its vaccination programme, the Committee remains concerned that the overall allocation to health has systematically decreased within recent years. The Committee notes with concern the health situation of children within the State party and in particular the limited access to basic health care for children, high maternal, child and infant mortality rates, relatively short period of breastfeeding, poor weaning practices, high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. **The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.**

25. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned with the high and increasing incidence of teenage pregnancy and HIV/AIDS and sexually transmitted diseases (STDs). The Committee notes with concern that the 1920 law continues to prohibit the use of contraceptives, including for health purposes, and to impede the full implementation of family planning programmes, including the safe motherhood initiative. **The Committee recommends that the State party increase its efforts in promoting adolescent health policies, particularly with respect to**

accidents, suicide and violence, and in strengthening reproductive health education and counselling services. In this regard, the Committee also recommends the inclusion of men in all training programmes on reproductive health. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy as well as the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible, without parental consent, where in the best interests of the child. The Committee recommends that the State party repeal the 1920 law concerning family planning and the use of contraceptives.

26. The Committee notes with concern the limited efforts of the State party to introduce adequate measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. **The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. In this regard, the Committee further urges the State party to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.**

27. The Committee expresses its concern at the absence of legal protection and the lack of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.**

7. Education, leisure and cultural activities

28. The Committee notes the recent initiatives of the State party to improve the situation of education and in particular to increase school attendance of girls by eliminating the payment of fees for them. However, the Committee remains concerned that girls are still denied access to education and that some school administrators continue to resist the new educational policy, asserting that the nonpayment of school fees for girls impacts negatively on school budgets. In this connection, the Committee is also concerned that some children, including those living in poverty and in remote rural communities, still do not have access to education. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding;

high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; and the limited number of trained teachers. **The State party is encouraged to continue its efforts to promote the school attendance of girls and to introduce measures to limit the impact of its policy concerning the nonpayment of fees for girls on school budgets. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.**

8. Special protection measures

29. While recognizing the State party's openness to hosting refugees from neighbouring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children. **The Committee recommends that the State party develop a legislative framework for the protection of refugee, asylum-seeking and unaccompanied children and implement policies and programmes to guarantee their adequate access to health, education and social services.**

30. While the Committee notes the initiatives by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, it remains concerned at the situation of "Vidomegons", children employed in the agricultural sector, and children engaged as apprentices in the informal sector. **The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, especially those engaged as domestic workers, agricultural labourers and apprentices. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment.**

31. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among the youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited psycho-social and medical programmes and services available in this regard. **In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, psycho-social, and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from,**

inter alia, UNICEF, WHO and the United Nations International Narcotics Control Board.

32. The absence of adequate information, including disaggregated statistical data, on the situation of sexual exploitation of children is a matter of concern for the Committee. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It is also recommended that the State party consider the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.**

33. While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. **In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and strengthen law enforcement, and intensify its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.**

34. While the Committee notes that a juvenile justice system has been established within the State party and that reforms are envisaged in this regard, it remains concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The absence of juvenile courts in some regions;

(c) The situation of overcrowding in detention facilities; the holding of minors in adult detention facilities;

(d) The lack of reliable statistical data on the number of children in the juvenile justice system;

(e) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system;

(f) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations

Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty, and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Pursue its proposal to request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Technical Advice in Juvenile Justice.

35. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.